IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. 23468 of 2006
and C.R.No. 6154 of 2006

Date of decision : 21.11.2006

M/s Prince Electronics & Ors.

.....Petitioners.

Versus

M/s Whirlpool India Ltd.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. R.K. Rana,Advocate
for the petitioners.

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VINOD K. SHARMA,J.(ORAL)

C.M. No. 23468 of 2006

For the reasons stated in the application, the delay in refilling the revision petition is condoned.

C.M. stands disposed of.

C.R.No. 6154 of 2006

The present revision petition has been filed against the order dated 27.8.2005 passed by the learned Civil Judge (Jr. Divn.), Faridabad vide which application moved by the petitioner under Section 10 of the C.P.C. for stay of the proceedings in the suit has been declined.

The learned trial Court has rejected the application by holding that the subject matter in both the suits is different and decision of one cannot operate as resjudicata in the another case and in support of this

finding reliance was placed on the case reported as ***M/s Jaggannath Jagdish Lal Versus Pyare Mal Gobind Ram Sachdeva 1979 PLJ 231.***

The learned counsel for the petitioner contends that the present suit has been filed on the basis of cheque which is deposited by him at Rohtak. However, this contention of the learned counsel for the petitioner cannot be accepted because this suit is not on the basis of cheque but on the basis of supply of material. The learned Court below also observed that the plaintiff respondent herein has also placed on record the photocopies of invoices so as to substantiate its claim of recovery.

Therefore,there is no error or illegality in the order which may call for interference by this Court.

Dismissed.

21.11.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**